

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE:

CHAPTER 13

JOHN MICHAEL MULHERE, JR.,

CASE NO. 19-23720 (SHL)

DEBTOR

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**ORDER SCHEDULING HEARING ON DEBTOR'S
MOTION SEEKING AN ORDER THAT THE AUTOMATIC
STAY APPLIES TO THE DEBTOR'S PRIMARY RESIDENCE**

Upon the application of the Debtor dated November 19, 2019, upon the Affirmation with Points of Law of Todd S. Cushner, Esq. dated November 19, 2019, seeking an Order:

- (1) Finding Creditor 2221 Palmer Avenue, Corp. in Violation of the Automatic Stay for continuing its efforts to sell the Debtor's Primary Residence located at 2221 Palmer Avenue, #3N, New Rochelle, NY 10801 pursuant to 11 U.S.C. § 105, Fed. R. Bankr. P. 9017 and Fed. R. Bankr. P. 9014;
- (2) Awarding Sanctions to the Debtor for fees, costs, and disbursements related to preparation and filing of this Motion; or in the alternative,
- (3) Find that Good Cause Exists to Re-Impose the Automatic Stay pursuant to 11 U.S.C. § 362(c)(3);
- (4) Issuing a Temporary Restraining Order prohibiting the Creditor from proceeding with the sale of the Primary Residence scheduled for November 25, 2019 until further hearing and determination on the relief sought in Debtor's Motion; and
- (5) Granting further relief as the Court deems just and proper.

IT IS ORDERED, that a hearing on Debtor's application will take place before the Honorable Sean H. Lane, United States Bankruptcy Judge, United States Bankruptcy Court,

Southern District of New York, One Bowling Green, Courtroom: 701, New York, NY 10004-1408 on **NOVEMBER 25, 2019 at 9:30 A.M.**; and it is further

ORDERED, that pending the hearing, a Temporary Restraining Order is issued to prevent the creditor from proceeding with the sale of the Primary Residence; and it is further

ORDERED, that service of a copy of this Order and the motion upon which it is based be made on 2221 Palmer Avenue Corporation c/o Ferrara Management, 80 Business Park Drive, Suite 307, Armonk, NY 10504 by overnight mail; and upon Reich, Reich, & Reich, P.C., Counsel for 2221 Palmer Avenue Corporation, 235 Main Street, Suite 450, White Plains, New York 10601 or by email to: reichlaw@reichpc.com or npasalides@reichpc.com on or before the **20th** day of **NOVEMBER 2019**, shall be deemed good and sufficient service.

Dated: White Plains, New York
November 20, 2019

/s/ Sean H. Lane
HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE